

HUGHES TO THE LEGISLATURE

HE URGES A CONSTITUTIONAL APPOINTMENT.

Says That the People Demand That Public Duty Shall Not Be Subordinated to Personal Interest—Also Recommends the Passage of the Direct Nominations Bill.

ALBANY, July 8.—The Legislature convened in extraordinary session to-night, but how long it will remain in session is a matter of considerable doubt. There appears to be a disposition on the part of the Senators and Assemblymen to try to get together on the appointment question and there were evidences in the Assembly to-night that the Republican Assemblymen are not prepared to go to the limits they were at the regular session to support Speaker Wadsworth. In his contention that the prestige of the Wadsworth family must be paramount to every other consideration. The Speaker hopes, however, that the session can be ended by next week and the appointment bill passed. But he will stubbornly oppose having Livingston county placed with Steuben county in a Senate district.

Gov. Hughes' special message to the Legislature was listened to with close attention in both houses. It was hoped the Governor would give some sort of an idea as to his views on the deadlock that existed at the regular session. There were many who viewed one sentence in the message as censuring Speaker Wadsworth in the position he had assumed. The sentence referred to says that "public duty shall not be subordinated to personal interest or convenience." Still there are some Assemblymen who say they also see a rebuke to Senator Tully in that sentence. The message follows:

THE GOVERNOR'S MESSAGE.

I have convened you in extraordinary session in order that provision might be made for an appointment of Senators and Assemblymen in accordance with the requirements of the Constitution, and I recommend that subject for your consideration.

It is not my purpose to propose a particular plan of appointment. It is the function of the Legislature to formulate such plan and submit it by suitable bill for executive action.

The constitutional powers and obligations of the Legislature with respect to this matter have been clearly defined by the Constitution. The import of the decision of the court was thus stated in my message of May 1:

The Constitution contains certain mandatory provisions and others which leave opportunity for the exercise of legislative discretion. It is, of course, impossible to divide the State with mathematical exactness. The recognition in the manner required by the Constitution to the other provisions of the Constitution is left to the Legislature.

The matter is not one of personal preference or of individual interest, nor does it rest in large political discretion. It was my duty to eliminate such considerations that the people, in adopting the new Constitution, so strictly limited the legislative power. As the Court of Appeals said in Smith vs. Board of Supervisors (148 N. Y. 187):

The evil sought to be remedied by the new Constitution was to prevent these gross discrepancies in representation and representation that had long been a public scandal and a reproach to the good name of the State. The people are entitled to have a perfectly fair apportionment of representation, and the letter and the spirit of the Constitution. No considerations are paramount to this just requirement.

The failure to provide a suitable apportionment at the regular session, in the absence of any public reason, has been a serious detriment to the people. To staid further public inconvenience it is of great importance that the matter should now be disposed of promptly. Obviously such a question, involving political consequences, given rise to a conflict of interests, and its solution cannot be hoped for without personal sacrifices. But the test of public spirit lies in the readiness to make such sacrifices, and the people have a right to demand and do emphatically demand that public duty shall not be subordinated to personal interest or convenience.

I now recommend for your consideration and action the question of an amendment of the primary election law so as to make adequate provision whereby nominations of candidates for public office may be made directly at primary elections. In my first message to the Legislature I said:

It was apparently the intent of the primary election law (section 12) to give to a general committee representing a party in any city or village or in a county wholly within any city or in a borough authority to adopt a rule that the nominations of the party candidates for specified offices should be made by the enrolled members at the primary elections. On account of other provisions of the law it has been cast upon its scope and effect to provide an opportunity for a suitable trial of the system of direct nominations. I recommend that an amendment be passed providing with sufficient clearness that any general committee of a party may adopt a rule providing for direct nominations and that thereupon voting at the primaries shall be upon an official ballot printed at the public expense. It is probable that under an amendment of this kind the method will be adopted in one or more important counties and there will thus be furnished a satisfactory test of the desirability of having a system of nominations by direct primary elections. Our own experience will then enable us to determine the wisdom of its extension.

Provision was made at the regular session for an official primary ballot, not for direct nominations. I recommend that the provision be made for the latter and for the reasons already stated, and in order that the movement which promises an important reform should be encouraged in a suitable manner the measure, should be of an optional character.

CHARLES E. HUGHES.

The attendance at the session to-night was most surprising. There were twenty-five Republican Senators present and six

ELLISON AND CRAVEN ARE OUT

TALLEY TOO, AND JAMES J. MARTIN IS CHAMBERLAIN.

No Murphy Men Put on Guard—Francis K. Pendleton Is Corporation Counsel and Dr. Bessel Street Cleaner—Ellison Didn't Resign and His Head Fell.

The storm which has been threatening in the City Hall for some weeks past broke yesterday when Mayor McClellan removed Corporation Counsel Ellison, demanded the resignation of Civil Service Commissioner Talley and accepted the resignation of Street Cleaning Commissioner Craven. Soon after the Mayor reached his office yesterday morning it began to be whispered around the building that something was coming and there was a bunch of politicians in the corridors before noon. It was not until nearly three hours later that the Mayor put an end to speculation by announcing that he had made these changes in his administration:

Francis K. Pendleton, appointed Corporation Counsel, vice William B. Ellison, removed. James J. Martin, appointed City Chamberlain, succeeding Patrick Keenan, deceased. Walter Bessel, appointed Commissioner of Street Cleaning, vice Macdonough Craven, resigned.

Frank L. Folk, appointed a member of the Civil Service Commission, vice Alfred J. Talley, resigned.

The removal of Mr. Ellison had no surprise in it. That the Mayor and Mr. Ellison were not on friendly terms has been a matter of common knowledge. The breach between them came after the so-called peace conferences between Mr. Ellison and Big Tim Sullivan, which were supposed to have been engineered by Morgan J. O'Brien with the consent of the Mayor and Charles F. Murphy for the purpose of bringing about peace between the City Hall and the Tammany Hall.

After the reading of the message Mr. Ellison gave out a statement in which he asserted that an understanding had been arrived at between the administration and the leader of Tammany Hall. In that statement Mr. Ellison said that the Mayor had no candidate for the leadership of Tammany Hall, indicating thereby that the Mayor had dropped his fight against Murphy, and adding that there would be no appointments of men to office "who may be inimical to the organization or its leaders."

The whole wording of the statement seemed to give the idea that the Mayor was anxious to make up with Murphy and that he wanted to drop his fight against the Tammany Hall leader.

Mr. Ellison gave this statement out without first submitting it to the Mayor. The Mayor the next day disowned Mr. Ellison's declaration and denied that he had ever been a party to any arrangement which would leave Murphy at the head of the organization. He said that he would never agree to any proposal which would not provide for the ousting of Mr. Murphy.

At a stormy meeting between the Mayor and Mr. Ellison accusations of bad faith were exchanged. Mr. Ellison was eager to hand in his resignation, but he was dissuaded by the Sullivan. Since then the Mayor, without actually asking for the resignation, has occasionally had the knowledge conveyed to Mr. Ellison that it would be welcome. Acting under advice of the Sullivan, it was generally supposed Mr. Ellison refused to take the hint and even went so far as to tell the Mayor that he would never resign and that if the Mayor wanted him out he would have to remove him.

About ten days ago Mr. Ellison issued a public statement that he had no intention of resigning and that Mr. McClellan had never intimated to him that he was to be removed. It is understood that the Mayor regarded this as a personal affront and as a sort of gratuitous threat that the Mayor, because of the Sullivan support, dare not remove him.

The Sullivan has always evaded making known their position as between McClellan and Murphy and the removal of Mr. Ellison was generally regarded as indicating that he cannot depend on the support of the Sullivan in any effort to turn Murphy out of Tammany Hall.

Not one of the four men put in office yesterday is friendly to Murphy, while James J. Martin, the new Chamberlain, is an avowed enemy. Mr. Folk and Mr. Pendleton are members of the Tammany general committee of the district, but they are opposed to the existing control of the organization. Commissioner Talley, in responding last night to the Mayor's demand for his resignation, declared that he had been removed solely because he was regarded as a friend of Murphy.

The resignation of Mr. Craven was not unexpected. He was not much in love with his job. His health was not equal to the demands of the office, and when a few days ago he was invited to return to take charge of the affairs of the Sanitary Utilization Company at a salary of \$7,500, equal to that he received as Street Cleaning Commissioner, he accepted the offer and sent his resignation to the Mayor. Dr. Bessel, who succeeds him, has consented to take the place for not more than three months. He has been Sanitary Superintendent and he is not willing to disassociate himself from his profession for a longer period.

In removing Corporation Counsel Ellison and asking for the resignation of Civil Service Commissioner Talley Mayor McClellan wrote these letters:

Hon. William B. Ellison, Corporation Counsel. Sir: The interests of the city require that the Corporation Counsel shall have the complete confidence of the Mayor. You are aware that this relation has not existed for some time. As you have announced in your public statement of June 26 that you will resign no course is open to me but to remove you, which I hereby do. Respectfully, GEORGE B. MCCLELLAN, Mayor.

Hon. Alfred J. Talley, Civil Service Commissioner. Sir: The legal member of the Municipal Civil Service Commission should devote more time to the public service than you do. I therefore ask your resignation. Respectfully, GEORGE B. MCCLELLAN, Mayor.

ROCKEFELLER ON THE LINKS

Indenter Spends 68th Birthday Chasing Travis and Fowkes Around the Course.

CLEVELAND, July 8.—John D. Rockefeller was one of the interested spectators at the opening of the amateur golf championship tournament on the Euclid links here to-day.

After asking permission from the two he joined the group to follow Travis and Fowkes at the ninth green. He is a good mixer on the links, hobnobbing freely with the golfers. He applauded loud drives and sighed over missed putts with the fervor of a true enthusiast. Not until all the scores were posted did the financier roll off in his limousine motor.

The course, by the way, is partly on property owned by Rockefeller. The club's lease is up in 1910 and they will move then to a new property that is already being cultivated for a fine turf.

"This is my sixty-eighth birthday," was one of Rockefeller's remarks. "I am enjoying the day hugely."

"You look only 65 years young," said the golfer sent to him. "Why don't you challenge one of us to a match?"

"Well, I have sent for my clubs," was the laughing reply. "Maybe I will be on the next links."

The noted financier had no monopoly of motor cars. Rumor has it that there are more automobiles owned in Cleveland in proportion to the population than in any other city.

COAL MINERS STRIKE

Managers Refuse to Recognize Union and Close Boarding Houses.

COALBURY, July 8.—Practically all the men of thirty leading mines are on strike. Most of them were paid off after breakfast this morning and were told that no more meals would be served to them. Stopping quarters and dining rooms at the mines were locked and provisions put in the managers' houses.

July 2,500 men are without shelter to-night after a hard rain and many have only the money for last week's work. The Town Council will open the opera house, and not less than \$500 can find sleeping room there.

Union agitators addressed large crowds in the public square to-day, but there was no open demonstration. Special police deputies were sworn in at the request of the Coalburi Chamber of Commerce. Over 500 miners left town. The railroad has sent special police to guard twenty-five cars of merchandise on sidings. Retailers are refusing credit to strikers and the question of to-morrow's supply is serious.

The mine managers are determined to run the mines themselves without recognizing the union. The strikers are equally confident of success. To-day, Nipissing worked 200 men, Chambers, McKinley & Darrah 40, Coniagas 40 and Lacrosse 40. These mines will continue work while men remain. The demand is for higher wages for unskilled labor, but the real fight is for recognition of the union.

NEW JOKE ON MARK TWAIN

He Won't Commit Himself as to Disappearance of St. Patrick's Jewels.

SPECIAL CABLE DISPATCH TO THE SUN.

LONDON, July 8.—The final week of Mark Twain's stay in England is filled with appointments. On Saturday he will sail for home, loaded with honors and attentions which admiring England has showered upon him.

He dined to-day with C. F. M. Bell, assistant manager of the Times. To-morrow he will lunch at the House of Commons as the guest of Sir Benjamin Stone. Mr. Arthur Balfour will be a fellow guest. To-morrow evening he will dine with the staff of Punch.

The joke about Mark Twain "lifting" the Ascot cup has been doing the rounds here that when the story of the mysterious theft of the Irish regalia became known letters and telegrams poured into Brown's Hotel asking Mark what he had done with the jewels and how he had managed to secure them. In self-defense he issued the following to-night:

"Mark Twain has received a number of telegrams and letters from friends and strangers asking what he knows of the whereabouts of the Irish regalia. He has not replied to these inquiries because he has been advised by his lawyers that it is best he should not commit himself."

KILLED BY A RUNAWAY HORSE

YOUTH STRUCK BY FLYING HOOF DIES ALMOST INSTANTLY.

Animal Tears Through Delancey Street and Crashes into Horse Car—Man Falls into Flaming Mass and Gets a Broken Rib—Woman Hurt at the Bridge.

A youth was killed and two persons were seriously injured by a runaway horse on the lower East Side last night.

The horse, attached to a light delivery wagon and driven by Samuel Rosen, became frightened just as it was turning from Grand into Clinton street. Rosen said that the breeding broke and the wagon ran upon the horse's heels.

Rosen clung to the reins. On the seat beside him was a younger boy, but he soon slipped down to the bottom of the wagon and clung to the dashboard right over the galloping hoofs.

It was just about 8 o'clock, and Clinton street was crowded with children and women. Before the horse had gone half a block the light wagon was swaying from curb to curb. There were many number of escapes.

As the runaway neared Delancey street a youth stepped out of a cigar store. The animal struck him with its forefeet, and he was thrown to the pavement, hitting his head. He was killed almost instantly.

He was identified later as Samuel Birnminowit of 256 Floyd street, Brooklyn.

The animal dashed out into Delancey street at the entrance to the bridge with speed that took the wagon along in bounds. There was a big crowd at the entrance to the bridge, but all managed to get out of the way except Anna Lanesed, an artist, who lives at 188 Floyd street, Brooklyn. She was knocked down by the horse, and she was taken to Gouverneur Hospital with a fractured leg. She may also be injured internally.

A few feet further on in the horse's path was an eastbound Delancey street car. The runaway plunged full speed into the car team. Then there was a mixup. All three horses went down and began to kick and plunge in every direction. The two youths in the delivery wagon had gone out over the dashboard and landed in the street.

The fifteen passengers in the horse car had been thrown to the floor by the collision and were scrambling wildly out of the rear door. One man who was riding on the front platform had been hurled over the car dashboard down among the struggling animals. Luckily for him the car had run on a few feet and had covered him up. But he was wedged in under it in such a way that he couldn't get out and the hoofs of the horses were battering the dashboard of the car into bits dangerously close to his head.

The harnesses on the struggling animals were finally cut and the mixup straightened out. A crowd turned to and lifted the car and the man who went over the dashboard was pulled out. He said he was Jacob Snyder, 21 years old, of 245 East Third street. He had a fractured rib and was badly bruised. He was also taken to the hospital.

The youthful driver was arrested on a charge of homicide. He got off with a few bruises. The boy in the wagon with him was practically unhurt. Rosen said that the horse belongs to Solomon Unger, a fruit dealer, of 14 Ludlow street. Rosen, when he was arrested, gave his age as 17 years, but later he declared that he is 18, which is the lawful age for a driver.

GIRL'S BEAUTY MARRIED BY P.E.

It Was a Custard Pie, Scolding Hot—The Girl Painted and Veiled With Her Face in It.

HAGERSTOWN, Md., July 8.—Miss Josephine Eavey, the daughter of Samuel Eavey, the victim of a peculiar accident to-day that will mar her beauty for life.

While she was helping her mother to make custard pies Miss Eavey fainted and fell with her face in a pie that Mrs. Eavey had just taken from the stove.

The young woman's face was frightfully burned, the scalding contents of the pie covering her from chin to forehead.

3 DROWNED IN THE HUDSON

N. Y. Central Tug Rescues Four From a Capsized Yacht.

New York Central tug is while running in the North River off Weehawken early this morning ran across a small capsized yacht and four men struggling in the water. The men were rescued by the tug's crew, after which the tug put in to Weehawken, and the captain reported the rescue to the marine department of the New York Central.

The men who were saved told the captain that the yachting party had consisted of seven men, three of whom had been drowned.

The tug then made for the foot of West Sixty-eighth street to land the men. Police Headquarters was notified and the patrol wagon from the West Sixty-eighth street station was sent to meet the tug.

The yacht was the Yacona, owned by W. C. Piers.

YACHT CAVALIER IN TROUBLE

Steering Gear Breaks Down and She Is Towed to Newport.

NEWPORT, July 8.—The power yacht Cavalier, with Charles F. Proctor, her owner, and a party of guests aboard, broke down while off Point Judith early this afternoon and had to be towed into Newport. The Cavalier was bound from Shelter Island to Newport, when the steering gear gave out. They signalled the shore for assistance and the tug Solitor went to aid the yacht.

The Cavalier is a long black craft, not unlike a torpedo boat in shape, and is on her initial cruise, having arrived from Port Jefferson last Friday. Aboard the Cavalier are Mr. and Mrs. Proctor, Fred Greene, an artist, and J. McKim Minton, all of New York.

HOTTEST DAY OF 1907

Mercury Got to 89—Thunderstorm Sent It Back to 78.

July 8 had the honor of being the hottest day so far. The thermometer was at 89 degrees at 5 P. M. The storm shortly after 9 o'clock last night drove the mercury down to 73. Although great heat late in the day is often an indication of a warmer day to come, the Weather Bureau has no expectation that to-day will be warmer than was yesterday. It is going to be cloudy, and maybe humid.

CONAN DOYLE TO MARRY

Miss Jean Leckie to Be the Bride of the Famous Novelist.

SPECIAL CABLE DISPATCH TO THE SUN.

LONDON, July 8.—Sir Arthur Conan Doyle, the novelist, and Miss Jean Leckie will be married in September.

Miss Leckie is not prominent. She lives with her parents at Blackheath.

Sir Arthur Conan Doyle is a bachelor. He is 48 years old.

NEW EDDY SUIT FILED

Son Asks Court to Take Charge of Fund Put in Trust for His Family.

CONCORD, N. H., July 8.—A new suit in equity was filed in the Superior Court this afternoon by George W. Glover, his wife and their children, all residents of Concord, S. D., against Frank S. Streeter and Irving C. Tomlinson of Concord.

The plaintiffs call attention to a deed of trust executed by Mary Baker G. Eddy by which they were made the beneficiaries of a fund approximating \$125,000. They ask the court to assume the custody of this fund until the case of Eddy vs. Eddy is finally determined and the proper disposition of the fund becomes apparent.

MISERY IN HOME OF WOMAN M. P.

Husband of Finnish Female Politician Attempts Suicide.

SPECIAL CABLE DISPATCH TO THE SUN.

ST. PETERSBURG, July 8.—The husband of one of the woman members of the Finnish Diet attempted to commit suicide but failed. When he was arraigned he said that he and his family were reduced to such misery by his wife's neglect of her home that he decided to end his trouble by killing himself.

His wife was so occupied with political matters that she could not find time to look after her home. She received more than \$75 monthly as a member of the Diet, but she allowed him only about 15 cents a day. He had no work and his condition was wretched. He is a man of humble rank. The police say he is suffering from want of food.

LOST BANK MESSENGER FOUND

But His Hiding Place Not Yet Revealed to the Bonding Company.

H. J. Wilson, the messenger who disappeared last week after having collected \$1,000 in cash for the First National Bank, has been found by two of his friends, who are endeavoring to persuade him to come out of his hiding and explain just how the money was stolen from him. According to his story, communicated by a letter to the bank officers, he was robbed on a street car and then fled, fearing to face possible arrest and disgrace. Wilson is 45 years of age and bears an excellent reputation. He was hired by the bank from an agency merely for the day to help out in the half yearly rush and was bonded for \$5,000 by the United States Guarantee Company.

Wilson's friends hope to induce him to agree to an interview with representatives of the latter company to-day. If he is able to establish his story to their satisfaction he will probably not be arrested.

THE NEW ANTI-TRUST POLICY

More Radical Than Anything Yet Undertaken by the Administration.

RECEIVERS FOR BAD TRUSTS

To Begin With the Prosecution of the Tobacco Trust in This City This Week.

The Movement Aims at Nothing Less Than Placing Every Lawbreaking Trust in the Hands of a Receiver, Who, as the Agent of the Court, Shall Carry on the Business of the Corporation—The Business of the Standard Oil Company May Eventually Be Conducted by a Receiver if the Movement Against the Tobacco Trust is Successful.

WASHINGTON, July 8.—A bill in equity will be filed by the Government next Wednesday in the United States Circuit Court for the Southern District of New York against the American Tobacco Company, charging that that corporation is a monopoly in restraint of trade in violation of the Sherman law. That this action will be taken causes no surprise, for it has been known for some time that the so-called tobacco trust was under investigation, but the nature of the prayers to the court in this case will mark a startling departure in anti-trust prosecutions, more radical than anything yet undertaken by the Roosevelt Administration.

A new policy has been adopted by the President and the officers of the Department of Justice, which aims at nothing less than the placing of every monopolistic or lawbreaking trust in the hands of a receiver, who as the agent of the Federal court shall carry on the business of the corporation. This proceeding, which is the latest of the Roosevelt policies relating to the control of corporations, is to have a trying out in the prosecution of the tobacco company, and if the movement succeeds other capitalistic combinations which may be violating the laws may expect to receive similar treatment.

It is easily among the possibilities, as viewed by the officers of the Department of Justice, that even the gigantic business of the Standard Oil Company may eventually be taken from the hands of its present officers and directors and placed in charge of a receiver if the movement against the tobacco corporation proves successful.

The receivership plan has been very thoroughly worked out by the lawyers of the Department of Justice, among whom is Milton D. Purdy, assistant to the Attorney-General, who is believed to be the originator of this novel method of dealing with the trusts. An inseparable accompaniment of the plan, at least in the first trial which is about to be inaugurated, is a petition for injunction. The court will be asked to grant an injunction restraining the alleged monopolistic corporation from engaging further in interstate commerce, and the Government prosecutors will petition, as an alternative, that the court appoint a receiver to carry on the business of the offending corporation.

Whatever the Federal courts may think of this new plan of campaign in the Administration's war on corporations, the leading officers of the Departments of Justice and Commerce regard it with confidence and believe it to be thoroughly sound in law.

The receivership plan owes its origin, in part at least, to the obvious fact that most of the suits thus far successfully prosecuted by the Government have had little practical effect. The Administration believes, for example, that the first great suit instituted by the Government, namely the one against the Northern Securities Company, had no tangible result in causing the railroad which formed the merger to become competing lines. Any lawyer in the Department of Justice will admit, if he says what he thinks, that the great combinations of capital are as strictly a natural growth of the time, and are so essentially subject to the will of the men who own the property that it is impossible for any power to compel them in all cases to dissolve themselves into competing companies and to allow the small producer or carrier the same advantages that they enjoy themselves.

The receivership plan is regarded by the Administration as a method of giving to the prosecution of trusts a practical effect. According to this plan the Government virtually says to the corporation: "You are breaking the law, but it is difficult for us to make you carry on your business in such a way as to conform to the law. So we will ask the court to appoint a receiver to carry on your business for you—in your own interest and in the interest of the people."

According to the project for receiverships, the agent of the court would be expected to conduct the business of the corporation in conformity with the Sherman law and the other more recently enacted statutes for the regulation of the trusts. The receiver would, in short, be expected in the course of time to bring about a thorough dissolution of the trust, and possibly to restore its various units to the condition in which they existed prior to the combination "in restraint of trade."

B. H. T. Must Pay More for the Bridge

Mr. Stevenson is preparing a form of contract for the use of the Brooklyn Bridge by the Brooklyn Rapid Transit Company, which will provide that when the present contract expires in August the company must pay higher compensation to the city and agree that the contract may be abrogated on short notice by either side.

TESTS OF SUBMARINE BOATS

Lake Co.'s Protest Against the Octopus Submitted to the Attorney-General.

WASHINGTON, July 8.—Acting Secretary of the Navy Newberry to-day submitted to the Attorney-General for a decision the matter of the protest of the Lake Submarine Torpedo Boat Company concerning the recommendations of the Submarine Board which declared the Octopus to be the superior type of submarine. The protest refers to the participation of the Octopus in being made on the ground that the boat at the time of the competition was under contract for the Government. This question was decided, however, when the arrangements for the trials were made, and Mr. Bonaparte, then Secretary of the Navy, held that the Octopus was eligible to enter the tests. He is now called upon to affirm that decision as Attorney-General. A final decision is desired by the Navy Department before the contracts are awarded.

GREAT HEAR SPRING WATER

After all, USHER'S THE Squire that made the higher temperature.

Continued on Second Page.